

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination and in response to the final Office Action dated July 8, 2008, which set a three-month period for response, making a response due by October 8, 2008 and with the initial two-month period for response expiring on September 8, 2008.

Claims 1, 3-8, and 10-15 are pending in this application.

In the final Office Action, claims 1-15 were rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent Application '566 ("GB '566"). Claims 8-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over UK '566.

In the present amendment, claims 1, 8 and 12 have been amended to more clearly define the present invention over the cited references. Claims 2 and 9 have been canceled. The Applicants respectfully submit that the claims as amended define subject matter that is neither anticipated by nor rendered obvious over the cited references.

GB '566 discloses a removable tool holder 21a for a hand-held power tool 10. The tool holder 21a comprises an adapter 24 for coupling to the hand-held power tool 10. In addition, the adapter 24 is provided to accommodate a tool shank 15 and a spindle sleeve 18. The adapter 15 is supported in the tool holder 21a and the tool shank 15 is supported in the adapter 24, whereby the tool shank 15 and the adapter 24 have different bearing surfaces in the tool holder 21a.

GB '566 does not disclose the feature that the tool holder 21a comprises means for centering the adapter 24, wherein the means has at least one centering surface separate from a bearing surface for supporting the tool shank 15 and wherein the tool shank 15 and the adapter 24 abut on the same bearing surface in a mounted state.

Therefore, the amended claims 1, 8 and 12 are not anticipated by GB '566. The Applicants furthermore respectfully submit that GB '566 is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

Amended claims 1, 8 and 12 also are not obvious over GB '566. The object of the present invention as defined in claims 1, 8 and 12 is to provide a tool holder, an adapter and a system of the tool holder and the adapter, in which the tool holder and the adapter comprise means for centering the adapter in the tool holder to enhance the accuracy of a drill bit when used with the tool holder and the adapter.

GB '566 teaches a tool holder 21a with an integrated adapter 24 to couple the tool holder 21a to a spindle sleeve 18 of a hand-held power tool 10. GB '566 discloses NO means for centering the adapter 24 in the tool holder 21a to enhance the accuracy of the tool shank 15 when used with the tool holder 21a and the adapter 24. There is no reason to provide the adapter 24 and the tool

holder 21a with means for centering the adapter 24 in the tool holder 21a because the adapter 24 is rigidly fixed in the tool holder 21a.


In addition, the adapter 24 is an essential part of the tool holder 21a. The tool holder 21a could not receive the tool shank 15 without the adapter 24.

In contrast, the tool holder of the present invention can receive the rotary hammer bit and/or chisel bit 10 without using the adapter 12. When the rotary hammer bit and/or chisel bit 10 are mounted, they abut on the bearing surface 18. The adapter 12 also abuts on the bearing surface 18 when mounted. Therefore, the adapter 12 of the present invention is exchangeable.

Therefore, the practitioner could not be led to the present invention as defined in the amended claims, since GB '566 fails to disclose or suggest the above features.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700